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**WEARE BOARD OF SELECTMEN
MEETING MINUTES
July 6, 2009**

PRESENT: TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; DONNA OSBORNE, SELECTMAN

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Naomi Bolton, Chip Meany, Chief Begin, Frank Campana, Jan Snyder, Carl Knapp, Ray Banks, Mike Dahlberg, Johnna Grzywacz, Joe Fiala, Liz Johnstone, Adam Martin, Nick Wolfe, Steven Martin, Wendy Stevens

7:00 p.m. Chairman Clow called the meeting to order.

Chairman Clow opened the public hearing at 7:02 p.m.

PUBLIC HEARING – FOR THE PURPOSE OF HEARING PUBLIC TESTIMONY AND COMMENT ON:

(1) To consider granting approval for gravel operation owned by Alma Shmid Trust and operated by Ray Banks on Tax Map 203, Lot 93.1 off East Road

Mike Dahlberg, representing the Alma Shmid gravel pit, informed the Board they updated the existing pit and about a year ago the Board amended the process for granting gravel pit permits and asked his client to come in with an updated plan. Mr. Dahlberg presented plans to the Board; he said the Site Specific permit from the state was originally granted in 1990 with no expiration date on the permit. Mr. Dahlberg discussed with Mary Pinkham that Site Specific permits for pits do not expire until gravel is done. They did submit this Site Specific to the town and have not heard anything back. Mr. Banks said the state does not have a problem with the permit. Mr. Dahlberg asked that the Board grant the permit on the condition that the state approves the permit. They have not changed the scope of the plan. Vice Chairman Butt said they visited the pit last year. Vice Chairman Butt asked to estimate the number of cubic yards. Mr. Dahlberg said 11,000 yards from 1990 to today.

Mrs. Naomi Bolton said she took the checklist and compared it to the plans to determine if they are lacking. At a previous meeting Mary Pinkham said to have the same date as the site specific. They would like to come up with an expiration date. Mrs. Bolton said every 2 years pit owners have to submit a status report and every 6 years submit an updated report to the state. Mrs. Bolton said to the Board to make the expiration coincide with the state. Mrs. Bolton said when Mary Pinkham came before the Board it was discussed to make the permits coincide with the triggering of plans or 2 year status report. Mrs. Bolton said they have always done an annual renewal. Mr. Dahlberg said the status report just tells the town what the operation is doing, 1 sheet letter explaining what they have done and what they expect to be doing and updates conditions. Mr. Dahlberg suggests the town permit be like the state and every 6 years obtain updated plans. Vice Chairman Butt does not know the benefit of combining the 2 year letter with the plans. It was discussed there was minimum costs. Mrs. Bolton said she called the Site Specific Bureau in Concord and has not had a return call from them. Mrs. Bolton said everything has been submitted. Mr. Dahlberg said they did not reapply they sent them an updated report. Mr. Dahlberg said the project has not changed since 1990. Vice Chairman Butt does not see the benefit of the status letter every 6 years. Chairman Clow said the status letter is every 2 years. Mrs. Bolton said the more costly part is to have the plans drawn. Vice Chairman Butt commented on the maximum loads per day being 100 tons (1 truck load).

Chairman Clow closed the public hearing at 7:17 p.m.

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Chairman Clow moved, Selectman Osborne seconded to conditionally approve the gravel permit owned by Alma Shmid Trust and operated by Ray Banks on Tax Map 203 Lot 93.1 upon approval from the state. Passed 3-0-0

Chairman Clow opened the public hearing at 7:19 p.m.

(2) To accept \$22,372.50 from the Federal Emergency Management Agency (FEMA) for the expenses related to the December 2008 ice storm damage

Mr. Carl Knapp said this money represents the remainder of the clean up from the ice storm. The amount was generated when FEMA came out this spring and spent a week going around the town with them to view the damage. This money represents 75% of FEMA's estimate to cleanup the remainder of the ice storm brush.

Mr. Jim Leary, curious as to what the \$22,000 would be spent on as far as the actual cleanup expenses. Mr. Leary said the town does have town employees that do the road work so wonders where it fits in. Chairman Clow said it will go into the General Fund and will be used to offset the department in a whole and will be used primarily when they set the tax rate for 2010. Chairman Clow said they previously received a grant from FEMA, also from the ice storm; they used the money to purchase a chipper because the one they had was not capable of handling the work. Chairman Clow said the money might not be spent; might be treated as a revenue. Mr. Leary said just because it is there does not mean they need to take it. Chairman Clow said when looking at the General Fund, when the budget is a certain amount they can't spend over that amount, this would really go towards the Undesignated Fund, they cannot overspend from what the voters approved in March, unless it is unanticipated and relates to something or they would need special permission from DRA to spend above the voted amount. Chairman Clow said last year they were so tight and they received permission from DRA to spend, but they did not need to spend. Mr. Leary is concerned with not having the need to take the money. Chairman Clow said this is money, in the case on the first check; it is money that has already been spent by the town and is being reimbursed because of the declaration of the emergency. Chairman Clow said the people from FEMA came and said you made it through the storm, you paid for the storm, and they did an estimate on what is left to be spent. Chairman Clow said the work will be done by town employees on their regular time, not overtime. Vice Chairman Butt said they are more concerned with not spending that money; they have already done the work and spent the money, and are being reimbursed from money they already spent. He hopes when they set the tax rate in October they give it back to the taxpayers. Vice Chairman Butt said the Board of Selectmen gave \$400,000 back to the taxpayers to reduce the tax rate. Mr. Leary understands that is money generated through taxpayers that they did not need to spend. Chairman Clow said when they set the tax rate someone from DRA sits down with them to help them calculate the tax rate. According to DRA estimates the town should have \$900,000 to \$1m in that Undesignated Fund Balance. Chairman Clow said last year it appeared that the fund balance was in a comfort zone, they did not have to borrow to meet any obligations and were able to give the money back to the taxpayers; it wasn't all money collected from taxes, there was some unanticipated revenue. Mr. Leary just hopes if they don't need it then they don't take it. Mr. Knapp said even though they are using town employees to do the work, they do and did have to utilize outside forces to remove some of the trees, they are only 2/3 of the way done, and a lot of fuel was used.

Ms. Johnna Grzywacz asked the Board if the application for the grant is able to be viewed by the public. Ms. Grzywacz asked if the funds were not accepted what projects would not be done or suffer. Mr. Knapp said there is an application and he could get her a copy. Mr. Knapp said as far as projects not getting done, they would not have been able to clean up without the chipper they purchased, several thousands of dollars worth of tree tops that needed to be taken care of, they have a \$1,500 tree line in the budget and they would not be able to continue with any more clean up.

Chairman Clow closed the public hearing at 7:34 p.m.

Chairman Clow said they had a request from a Board member to hold the vote until the member is present. It was discussed the vote will take place at their next regular meeting, 2 weeks from tonight.

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Chairman Clow opened the public hearing at 7:35 p.m.

- (3) To consider a resolution adopting the Flood Insurance Study for the County of Hillsborough, NH dated September 25, 2009 together with the associated Flood Insurance Rate Maps of the same date as part of the Town floodplain ordinance**

Mrs. Naomi Bolton said in 1993 FEMA put together a flood map that identifies areas in town that are subject to a 1% chance flood and is reviewed every year. They have to stay current for residents to get assistance if needed. Mrs. Bolton said they need the maps that went with the amendments to be adopted by the governing body. She then has to send a copy of the minutes and approval back to the state. Mrs. Bolton said through town meeting the town made provisions to accept those flood areas after changes were made to the zoning ordinance.

Chairman Clow closed the public hearing at 7:39 p.m.

Chairman Clow moved, Vice Chairman Butt seconded to adopt the Flood Insurance Study for the County of Hillsborough, NH dated September 25, 2009 together with the associated Flood Insurance Rate Maps of the same date as part of the Town floodplain ordinance. Passed 3-0-0

Chairman Clow moved, Vice Chairman Butt seconded to enter into non public session @ 7:37 p.m. pursuant to the authority granted in RSA 91-A:3, II (a & c). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Chairman Clow – yes Passed 3-0-0

Chairman Clow moved, Vice Chairman Butt seconded to come out of non public session @ 8:10 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Chairman Clow – yes Passed 3-0-0

Chairman Clow moved to seal and restrict the minutes of the nonpublic session under the authority granted in RSA 91-A:3 II. Selectman Osborne seconded the motion. Passed 3-0.

Chairman Clow moved, seconded by Selectman Osborne, to enter into nonpublic session @8:11 p.m. under RSA 91-A:3 II (b). A roll call vote was taken. Selectman Butt – yes, Chairman Clow – yes, Selectman Osborne – yes. Passed 3-0.

Chief Begin explained to the Board that he would be recommending that Brandon Montplaisir be moved from part-time to full time status in the Police Department. He described the exam that had been given to Officer Montplaisir and to one other candidate and stated his reasons for recommending Brandon Montplaisir over the other candidate.

Chairman Clow moved, seconded by Selectman Butt, to come out of nonpublic session @8:15 p.m. A roll call vote was taken. Selectman Butt – yes, Chairman Clow – yes, Selectman Osborne – yes. Passed 3-0

PUBLIC COMMENT – Mr. Frank Campana informed the Selectman that on Channel 6 the July 13th public hearing is posted at 5:00 p.m. and needs to be corrected. He noticed it stated the meeting was to sign Manifest and to hold a public hearing for grants for the police department. Mr. Campana said he is concerned that it also stated there would be no public comment. Mr. Campana suggested that when public grants are coming up, the Board could go above and beyond to advertise the hearings for grant money that directly affects the town. Mr. Campana said next week's public hearing totals roughly \$16,000 in grants, and feels it would take minimal effort to post and list the grants for any taxpayer interested.

DEPARTMENT HEAD – Chief Begin asked the Board of Selectman to change Brandon Montplaisir from a part time officer to a full time officer at \$18.56 per hour.

Vice Chairman Butt moved, Selectman Osborne seconded to change the status of Brandon Montplaisir from a part time police officer to a full time officer, effective July 10, 2009 at \$18.56 per hour. Passed 3-0-0

Lt. Jim Carney said they are trying to get more information out to the Board and to the public regarding what is going on at the Weare Police Department. Lt. Carney said they received a letter thanking Officer Aiken answering a

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call on the 3rd shift June 4th with a woman's father on his death bed and the manner in which it was dealt with. Lt. They have major case investigations, which are taking a lot of time, and they are getting a lot of complaints at the department concerning speeding. On June 3, members of the PD arrested a Manchester resident dealing cocaine in Weare, individual was taken into custody at Lanctot's Plaza, is currently in jail; the department was investigating for several months. Lt. Carney said they have a zero tolerance for drugs in Weare. On June 10 a juvenile attacking parent with a knife was taken into custody. Officer Duffy recently conducted drug investigation at the High School; some individuals were taken into custody. On June 12 a wanted suspect, currently on bail, \$60,000 damage to cars in Boston, extensive search involving the Weare Police canine, suspect taken into custody. Palmer's Tavern, a gun was produced, confiscated by police, arrested by police within 12 hours, waiting trial. June 15 Officer Cox received a call that there was a subject passed out in the parking lot of the Post Office at 11:00 am. It was determined the subject was impaired, had just got his license back and was arrested with DUI second offense. Arrest involving a Jehovah Witness, where a resident took out firearm. Last night Palmer's Tavern 2 people assaulted, 50 year old female beat up badly, assailant punched someone in the face, do not know the suspect at this time. Officer Carney wanted to bring some of these things to the Board and inform the public of what the Police Department is doing. Vice Chairman Butt asked if the cocaine bust was from an informant. Officer Carney said yes, but whenever a tavern is present it can attract other things. Vice Chairman Butt asked if a religious organization has to have a permit to go door to door. Chief Begin said to his knowledge there is no ordinance in town, to go door to door to sell something they need a Hawkers and Peddlers permit from the state. Chief Begin said they could have Hawkers and Peddlers ordinance in town.

Mr. Knapp informed the Board he is healing and is hoping to return to work on July 14, 2009.

MANIFESTS

Chairman Clow moved, Selectman Osborne seconded, to authorize the Board of Selectmen to sign Manifest and order the Deputy Treasurer to sign checks dated July 9, 2009. Passed 3-0-0

Accounts payable	\$629,763.24	(Weare School \$500,000)
Gross Payrolls	\$50,550.68	(includes Spec Detail, Credit Union, Taxes, Hwy Ins. Buyouts)
Monthly Fire	<u>\$5,434.24</u>	(Monthly Fire)
Total	\$685,748.16	

Chairman Clow commented on someone bringing to his attention the Manifest being approved so quickly. Chairman Clow said the Board comes in during the week to review all checks being improved and it is thoughtfully done.

SKATEBOARD PARK – Mr. Joe Fiala asked the Board to accept \$2,000 in donation or equipment to the skateboard park. Mr. Fiala said when it was first built over at the Middle School the town leased the property from the school. It was agreed since the skate park was being demolished it was to be put back together at the completion of the school and be taken care of through the town as it was. The School Board did not care where it was to be built, but they agreed to build the pad. Mr. Fiala said all options were reviewed, the Middle School was determined to be the best location. Mr. Fiala said a couple of months ago he came before the Board with a new lease, because it made sense to make a new lease, but this did not get done. He spoke with Matt Thomas, Chairman of School Board, and they discussed that the agreement is still in place as prior with the town is leasing the location from the school. Going forth with the assumption that the skateboard park is still going to operate as it was, the town leasing from the school they have done some fundraising. Mr. Fiala presented professionally drawn plans to the Board and informed them the equipment will be durable and as safe as possible. Mr. Fiala has a quote from Country 3 Corners for \$500.00 for lumber and some lumber is being donated. He is asking the Board to accept \$2,000 worth of equipment for the skate park. Chairman Clow asked if all the materials being used are according to the plan. Mr. Fiala said yes, there is a steel transition from the wood to the steel and no concrete work is needed. Mr. Fiala said all the equipment can be used to change the layout if need be.

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Chairman Clow said he is concerned with the construction process and someone getting onto a piece that is not completed if it is not done in 1 day. Mr. Fiala said they are planning on being done by the end of the weekend and they have several volunteers. Selectman Osborne asked if they received anything from Primex concerning insurance liability. Chairman Clow said they have had a skateboard park, in 2 different locations, and this is not a new concept in town. Mr. Fiala said this is safer than what they currently have because they are using wood which is safer than what they currently have. Chairman Clow said there has been a point raised, from PARC and Mr. Chuck Metcalf suggests that perhaps because the skate park is on school grounds, it should stay as if it was school property. Chairman Clow feels they can proceed with the construction and still have the discussion with the School Board if they wish to have more control because it is their property. Vice Chairman Butt said it seems like the issue has always been keeping the park clean and maintained with parents saying they would maintain the park and that wasn't always the case. Mr. Fiala feels the PARC Coordinator should be responsible for the town parks and responsible for cleaning up the trash. Mr. Fiala said they are hopeful that the new park, being at the new Middle School, would be kept clean. Mr. Fiala feels they pay the PARC director very good money to pick up the trash at town parks. Vice Chairman Butt is concerned with criticism and keeping the park clean and maintained. Chairman Clow said the whole discussion on whether it is school or town would not be appropriate to discuss without Mr. Metcalf or a representative from the School Board present.

Vice Chairman Butt moved, Selectman Osborne seconded to accept approx \$2,000 worth of equipment for the skate board park. Passed 3-0-0

MEETING MINUTES

Selectman Osborne moved, Chairman Clow seconded to approve the minutes of June 15, 2009 as amended. Passed 2-0-1

Vice Chairman Butt commented on an email from Mrs. Tina Connor regarding the start date to of the 2008 audit. He does not remember them approving money for the audit. Chairman Clow said it has been an ongoing agreement as far as an official motion, he does not believe they have done that. Vice Chairman Butt asked for a cost. Chairman Clow said they can get that information. Chairman Clow was thankful to see the early start for a change. It was discussed there is money in the budget for an audit. Chairman Clow said there is \$20,000 designated in the budget with \$12,300 remaining for the audit. Chairman Clow said the last estimate they had was around \$15,000. Chairman Clow said this can change if it can be done in one calendar year and not split between years. Chairman Clow said they have spent a portion of the \$20,000 to bring it down to \$12,300.

CORRESPONDENCE – Chairman Clow said he received a letter from the Southern New Hampshire Planning Commission, regarding developing an Economic Development Plan for the region. The SNHPC would like a response by the end of July and are looking for representatives from different towns in the region, including Weare. Vice Chairman Butt will review this with the Economic Development Committee.

Vice Chairman moved, Selectman Osborne seconded to appoint Elwood Stagakis to the Economic Development Committee as an alternate for a three year term. Passed 3-0-0

Chairman Clow moved, Vice Chairman Butt seconded to enter into non public session @ 9:04 p.m. pursuant to the authority granted in RSA 91-A:3, II (a & b). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Chairman Clow – yes Passed 3-0-0

Chairman Clow moved, Selectman Osborne seconded to come out of non public session @ 10:10 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Chairman Clow – yes Passed 3-0-0

Chairman Clow moved to seal and restrict the minutes of the nonpublic pursuant to the authority granted in RSA 91-A:3 II. Selectman Osborne seconded. Passed 3-0.

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Motion to adjourn at 10:15 p.m.

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary